

A PSYCHO-SOCIAL STUDY OF 160 MALE INMATES SERVING A LIFE  
SENTENCE FOR MURDER IN INSTITUTIONS OF THE MASSACHUSETTS

DEPARTMENT OF CORRECTION

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The Massachusetts Department of Correction is the agency charged with the care and custody of adult criminals committed to the state penal institutions. The Department has a major institution in the towns of Bridgewater, Concord, Framingham, Norfolk and Walpole, and forestry camps in the towns of Monroe and Plymouth. Each institution has a common title "Massachusetts Correctional Institution" and takes its name from the town in which it is located: M.C.I. Bridgewater, M.C.I. Concord, etc. M.C.I. Framingham is the only penal state penal institution for the adult female offender. On January 1, 1959 there were 3,236 males and 164 females confined within the state correctional system.

The purpose of this study is to present an analysis of selected factors relative to 160 males serving a life sentence for the crime of murder on January 1, 1959. It is hoped that this paper will shed some further light and understanding of men serving a life sentence for criminal homicide in Massachusetts.

Only those men convicted of murder and serving their life sentence in the Department's institutions at Concord, Norfolk and Walpole are included in this study. In addition to these men there were 36 men who, although serving life sentences for murder, were confined in the State Hospital Department at M.C.I. Bridgewater as a result of a psychotic condition incurred after their conviction and penal commitment.

Table 1 shows the age distribution of the 160 male inmates at the time of their conviction for the crime of murder. Of the total group, 42 inmates or 26.2 percent were under 21 years of age, 62 inmates or 38.8 percent were in the age group 21-29, 49 inmates or 30.6 percent

were in the age group 30-49 and 7 inmates or 4.4 percent were 50 years of age or over. Age groups 18 and 19 had the largest number of inmates under 21 with 11 inmates in each group. Age 21 had 15 inmates and of the four-year age groups over age 21, age group 26-29 had the largest number of inmates which was 29.

Table 2 shows the birthplace of the 160 male inmates. Of the total group, 106 inmates or 66.2 percent were born in Massachusetts and 13 inmates or 11.2 percent were born in other New England states. Only 36 inmates or 22.5 percent were born outside of New England; of this group 25 inmates or 15.6 percent were born in other states and 11 inmates or 6.9 percent were born in other areas.

Of the 160 inmates, 45 inmates or 28.1 percent had from one to six grades of education; 70 inmates or 43.8 percent had from seven to nine grades of education and 38 inmates or 23.8 percent had from 10 to 12 grades of education at the time of their murder offense, Table 3. Only three inmates or 1.9 percent had education beyond high school. The four educational records that were incomplete involved three inmates who were born outside of the continental limits of the United States and one who was born in the United States but not in New England.

Table 4 shows that none of the inmates were classified as members of a professional group and only two inmates or 1.2 percent were skilled workers. Forty inmates or 25 percent were semi-skilled workers and 105 inmates or 65.6 were unskilled workers. Four inmates or 2.5 percent were in military service and nine inmates or 5.6 percent were students at the time of their murder offense. The terms professional, skilled, semi-skilled and unskilled were adopted from the Dictionary of Occupational Titles. <sup>1</sup>

<sup>1</sup> Dictionary of Occupational Titles, Volume II, Occupational Classification and Industry Index. Second Edition, Federal Security Agency. U.S. Government Printing Office, 1949. Pp. 1, 81, 167 and 319.

Sixty-two inmates or 38.8 percent had two or less prior arrests while 18 inmates or 11.2 percent had 11 or more prior arrests. Twenty-three inmates or 14.4 percent had no prior arrests and eight inmates or five percent had over 15 prior arrests, Table 5.

Twenty-four inmates or 15.0 percent had never been convicted for a misdemeanor offense, 43 inmates or 26.9 percent had been convicted for one or two misdemeanors, 39 inmates or 24.4 percent had been convicted for three to five misdemeanors, and 54 inmates or 33.8 percent had been convicted for six or more misdemeanors prior to their conviction for the crime of murder, Table 6. In Massachusetts, any crime that the legislature considers so harmful or dangerous to society that its perpetrator might be punished by death or imprisonment in the state prison is considered a felony; all other crimes are misdemeanors.

Table 7 indicates the difference in the criminal record of the inmates in terms of prior convictions for felonies. Ninety-four inmates or 58.8 percent did not have a previous conviction for a felony, 47 inmates or 29.4 percent had been convicted for one or two felonies, 16 inmates or 10 percent had been convicted for three to five felonies, and three inmates or 1.9 percent had been convicted for six to 10 felonies.

An analysis of the motive that led to the crime of murder showed that in 37 or 39.4 percent of the 94 cases involving inmates without a criminal record of prior felonies the murder offense was committed during a crime of robbery; in 32 or 48.5 percent of the 66 cases involving an inmate with a criminal record of prior felonies the murder offense was committed during a crime of robbery. The data indicate that of men convicted for murder, robbery is a more important factor in

the crime of murder for men who have a record of prior felonies than it is for men who do not have a record of prior felonies.

Contrary to what might be expected the majority of inmates confined for the crime of murder do not have a long history of prior commitments, Table 8. One hundred and twenty-five inmates or 78.2 had two or less prior commitments, 22 inmates or 13.8 percent had three or four prior commitments and 13 inmates or 8.1 percent had five or more prior commitments. To some extent this history of few prior commitments among the 160 offenders is explained by the fact that 57 inmates or 33.6 percent were convicted of murder at the age of 21 or under and therefore did not have an opportunity to serve many commitments; also that in many instances the crime of murder was an impulsive act committed by a person who had lived a law abiding life.

Table 9 shows that 20 inmates or 12.5 percent originally received the sentence of life first degree death, five inmates or 3.1 percent received life first degree with mercy and 135 inmates or 84.4 percent received sentences of life second degree for the crime of murder.

In Massachusetts for a person to be convicted for a first degree murder offense it must be shown that the homicide was committed with deliberately premeditated malice aforethought or with extreme atrocity or cruelty, or in the commission or attempted commission of a crime punishable with death or imprisonment for life. Murder which does not appear to be in the first degree is murder in the second degree. The degree of murder shall be found by the jury.

The small number of men serving the sentence of life first degree with mercy is explained by the fact that until 1951 the first degree life sentence was an automatic death sentence. House Number

2148 of 1951 enacted as Chapter 203 of the Acts of 1951 provided for life imprisonment in a first degree life sentence if a jury recommends that the sentence of death be not imposed except if the murder is committed in connection with rape.

The 20 men who originally received a sentence of life first degree death received commutations of their sentence by the Governor and the Executive Council after the jury verdicts.

The last execution in Massachusetts occurred on May 9, 1947 when two men were executed. From May 9, 1947 to January 1959, eighteen men received a sentence of life first degree death; 16 later received a commutation; one man's conviction was revoked and he was found not guilty by reason of insanity and committed to Bridgewater State Hospital, the second man committed suicide prior to execution. Sixty-five men were executed in Massachusetts from January 1, 1900 to May 9, 1947.<sup>1</sup>

Of the 160 inmates confined for murder, 60 inmates or 37.5 percent have served five or less years, 31 inmates or 19.4 percent have served six to ten years, 45 inmates or 28.1 percent have served 11 to 15 years and 24 inmates or 15.0 percent have served 16 or more years, Table 10.

The considerable difference in the number of men confined 16 years or more on a life sentence for the crime of murder compared to the number of men serving 15 years or less is partly due to the practice of commutation of life sentences by the Governor and Council to deserving prisoners and to the electrocution of some offenders up to May 9, 1947.

<sup>1</sup> Chapter 326 of the Acts of 1898 provided for the death penalty to be carried out by execution in the electric chair. The first electrocution took place on December 17, 1901.

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In Massachusetts every prisoner who is serving a life sentence for second degree murder except those confined to the State Hospital Department at the Massachusetts Correctional Institution at Bridgewater are eligible for a parole hearing within 60 days before the expiration of 20 years of their sentence. If a parole release is denied at this time the prisoner must be seen again by the Parole Board at least once in each ensuing three-year period. If a prisoner's life sentence is commuted by the Governor and Council to a term of years he is then subject to the provisions of law governing parole for persons sentenced for lesser offenses. A person sentenced to life imprisonment for the crime of murder in the first degree is not eligible for parole unless his sentence is commuted by the Governor and Council.

On January 1, 1959 there were 98 men under parole supervision who at one time had received a life sentence for the crime of murder in Massachusetts. There were six inmates within the Department of Correction who received a life sentence for the crime of murder but who had since been granted a commutation and were serving a sentence for a term of years.

Of the 160 inmates, 30 inmates or 18.8 percent are feeble-minded, 31 inmates or 19.4 percent are below average, 85 inmates or 53.1 percent are average, 10 inmates or 6.2 percent are above average and four inmates or 2.5 percent are of superior intelligence, Table 11.

When possible the pre-trial examination test scores were used. In some cases the I.Q. was determined by the test score achieved nearest the time of the crime, e.g., the inmate may have been tested several years prior to the offense while confined in another setting such as a mental hospital or another prison; in other cases the I.Q. was determined by evaluation of school achievement or job classification.

Table 11 indicates that there is a greater concentration on the lower level of the intelligence scale. This may be due to fact that those with a superior I.Q. are either less apt to be apprehended and committed, or are less apt to act out in this manner, but rather seek another solution to their problem. The greater concentration on the lower level of the intelligence scale is consistent with the findings in Tables three and four which indicated that the average education of these inmates is below high school level and that most of the inmates are unskilled workers.

The question of the mental condition of any person convicted of a crime, especially that of murder, is difficult to assess and the writers used the categories in Table 12 realizing that they are at best only general terms. In this study the mental condition describing the inmate is based on the findings of the examination given nearest the time of the commission of the crime. When psychiatric reports were not available the writers based their finding of mental condition upon a careful analysis of the individual's life history.

The M'Naghten Rules as modified by an irresistible impulse test are the law in determining criminal responsibility in Massachusetts. One of the most recent interpretations of the M'Naghten Rules is found in *Commonwealth v. McCann*, 325 Mass. 510, where the court said:

One whose mental condition is such that he cannot distinguish between right and wrong is not responsible for his conduct, and neither is one who has the capacity to discriminate between right and wrong but whose mind is in such a diseased condition that his reason, conscience and judgment are overwhelmed by the disease and render him incapable of resisting and controlling an impulse which leads him to the commission of a homicide.



In such an instance, the homicide would be "not the act of a voluntary agent, but the involuntary act of the body, without the concurrence of a mind directing it."

Although there are 160 men serving life sentences for murder in this study, the total number of victims is 143. This is due to the fact that in 16 cases more than one inmate was involved in the murder of one person (41 inmates were involved in 16 murders), in seven cases inmates were individually involved in double murders, in one case two inmates were involved in a triple murder (a case of arson); in addition two inmates were involved in the same double murder and the remaining 108 inmates were individually involved in 108 deaths. The largest number of inmates involved in a single murder is the case of five inmates serving life sentences for killing a man late at night during a robbery in a park.

Of the 143 victims, 51 victims or 35.7 percent were shot, 38 victims or 26.6 percent died from stabbing, 28 victims or 19.6 percent died from a bodily assault, 13 victims or 9.1 percent died from being clubbed with an instrument and 10 victims or 7.0 percent died from a sexual attack, Table 13. Three victims or 2.1 percent died from a fire that was set in an attempt to collect a payment on a fire insurance policy.

Two inmates or 1.2 percent committed their murder offense from 1921 to 1930, 17 inmates or 10.6 percent committed their offense from 1931 to 1940, 76 inmates or 47.5 percent committed their offense from 1941 to 1950, and 65 inmates or 40.6 percent committed their offense from 1951 to 1958 inclusive, Table 14. As explained in the analysis of Table 10, the practice of commutation to deserving lifers and the

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electrocution of some men account to a degree for the relatively few men confined for a crime of murder committed prior to 1941.

Table 15 indicates that the seasons had relatively little influence on both the rate of murder and motives that led to the crime of murder. Seventy-one inmates or 44.4 percent involved in murders from January to June and 89 inmates or 55.6 percent were involved in murders from July to December. Robbery was the major factor leading to the crime of murder in all of the selected monthly intervals.

More inmates committed their murder offense between 8:01 and midnight than in any of the other selected hourly intervals, Table 16. An analysis of the motives of the 52 inmates involved in murder between 8:01 p.m. and midnight showed that 24 or 46.2 percent were involved in robberies. In seven cases or 4.4 percent the hour in which the murder occurred was not officially determined.

Table 17 shows that more victims were killed in their own home than in any other location. Fifty-nine victims or 41.3 percent were killed in their own home, 26 victims or 18.2 percent were killed at their place of business, 36 victims or 25.2 percent were killed on a street or in an isolated area, and 22 victims or 15.4 percent were killed in homes, automobiles, or a prison.

Of the 160 inmates, 83 or 51.9 percent were not related to or close friends of the victims. Included in this group are five serving sentences for killing law officers and one who killed an inmate while both were confined in prison, Table 18. Twenty-seven inmates or 16.9 percent killed a friend, 23 inmates or 14.4 percent killed a wife, 12 inmates or 7.5 percent killed a girl friend, and six inmates or 3.7 percent killed a prostitute. The remaining victims included two ex-wives, a parent, a child and five other relatives.

Sixty-four of the victims were males and 79 of the victims were females, Table 19. Of the 143 victims, 17 victims or 11.9 percent were 18 years of age or under. Six of the victims were seven years of age or under and 11 were in the age group eight to 18; of those victims 18 years of age or under four were males and 13 were females. One hundred and twenty-six victims or 88.1 percent were 19 years of age or over; of those victims 19 years of age or over 60 were males and 66 were females. In 42 cases the age of an adult victim was not listed in the official case history of the crime.

Of the 160 male offenders, 136 are White, 23 are Negro and one is an Asiatic. Seventeen White offenders were individually involved in 17 homicides where the victims were 18 years of age or under; four male and 13 female victims. None of the Negro offenders were involved in homicides where the victim was 18 years of age or under. White offenders were involved in additional homicides of 48 males and 56 females where the victims were over age 18; Negro offenders were involved in homicides of 11 males and 10 females where the victims were over 18 years of age. The 136 White offenders were involved in homicides of 52 males and 69 females and the 23 Negro offenders were involved in homicides of 11 males and 10 females. The Asiatic was involved in the homicide of an adult male during an attempted robbery.

There is no category that would adequately describe all convicted male murderers nor are there categories that would adequately describe all males convicted of robbery, larceny, arson or kidnapping. Each male inmate is an individual person and reflects varied combinations of personal and environmental factors. However, if the writers were requested to describe the "typical murderer" in this study, they would give the following description: based on factors considered, the "typical male murderer" serving a life sentence terminated his education prior to the ninth grade and committed the crime of murder between age 18 and 30 years. He was unskilled or semi-skilled worker with a poor employment record. This was probably due not only to his lack of skill but also to emotional instability. He had less than five prior arrests, committed two or less felonies and served two or less periods of confinement. Upon conviction for the crime of murder he received a life sentence for second degree murder. If his sentence is commuted by the Governor and Council to a term of years he will be released prior to serving 20 years of his sentence, otherwise he will be eligible for parole after having served 20 years of his sentence. He is average or slightly below average in intelligence.

Generally, the murder was committed since 1941, the motive was robbery and the victim was shot or stabbed. The crime was committed between the hours of 8:00 p.m. and midnight at the home or place of business of the victim. If the motive was not robbery, the victim was the wife of the offender and the motive was unfaithfulness on the part of the wife or the crime resulted from a marital argument. If a White offender, he was born in Massachusetts and if a Negro he was born outside of Mass. Usually the crime involved one victim and one murderer. The writers did not encounter a single case where the murderer was a professional gunman who had killed for payment of money.

\*\*\* CONCLUSION \*\*\*

TABLE 1. Age of Inmate at Time of Conviction for Crime of Murder

<u>AGE</u>	<u>NUMBER</u>	<u>PERCENT</u>
14	2	1.2
15	0	0.0
16	4	2.5
17	5	3.1
18	11	6.9
19	11	6.9
20	9	5.6
21	15	9.4
22-25	18	11.2
26-29	29	18.1
30-33	18	11.2
34-37	12	7.5
38-41	7	4.4
42-45	5	3.1
46-49	7	4.4
50 and over	7	4.4
TOTALS:	160	99.9

TABLE 2. Nativity of Inmate Serving Life Sentence for Crime of Murder.

<u>BIRTHPLACE</u>	<u>NUMBER</u>	<u>PERCENT</u>
Massachusetts	106	66.2
Other N.E. states	18	11.2
Other states	25	15.6
Other states	11	6.9
TOTALS	160	99.9

TABLE 3. Education of Inmate Serving Life Sentence for Crime of Murder.

<u>EDUCATION</u>	<u>NUMBER</u>	<u>PERCENT</u>
1st - 6th	45	28.1
7th - 9th	70	43.8
10th - 12th	38	23.8
Beyond High School	3	1.9
College Graduate	0	0.0
Unknown	4	2.5
TOTALS:	160	100.1

TABLE 4. Employment Status of Inmate Prior to Conviction for Crime of Murder

<u>EMPLOYMENT</u>	<u>NUMBER</u>	<u>PERCENT</u>
Professional	0	0.0
Skilled	2	1.2
Semi-skilled	40	25.0
Unskilled	105	65.6
Military	4	2.5
Student	9	5.6
TOTALS:	160	99.9

TABLE 5. Number of Prior Arrests of Inmates Previous to Conviction for Crime of Murder

<u>NUMBER OF PRIOR ARRESTS</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
0	23	14.4
1-2	39	24.4
3-5	47	29.4
6-10	33	20.6
11-15	10	6.2
over 15	8	5.0
TOTALS:	160	100.0

TABLE 6. Number of Misdemeanors Inmate Convicted of Prior to Commitment for Crime of Murder

<u>NUMBER OF MISDEMEANORS</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
0	24	15.0
1-2	43	26.9
3-5	39	24.4
6-10	30	18.8
11-15	10	6.2
over 15	14	8.8
TOTALS:	160	100.1

TABLE 7. Number of Prior Felonies Inmate Convicted of Prior to Commitment for Crime of Murder

<u>NUMBER OF PRIOR FELONIES</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
0	94	58.8
1-2	47	29.4
3-5	16	10.0
6-10	3	1.9
TOTALS:	160	100.1



TABLE 8. Number of Prior Commitments Previous to Conviction for Crime of Murder

<u>NUMBER OF PRIOR COMMITMENTS</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
0	79	49.4
1-2	46	28.8
3-4	22	13.8
5-6	10	6.2
over 6	3	1.9

TABLE 9. Original Sentence Received for the Crime of Murder

<u>ORIGINAL SENTENCE</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
Life 1st degree death	20	12.5
Life 1st degree with mercy	5	3.1
Life 2nd degree	135	84.4
TOTALS:	160	100.0

TABLE 10. Number of Years Confined for the Crime of Murder

<u>NUMBER OF YEARS CONFINED</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
0-5	60	37.5
6-10	31	19.4
11-15	45	28.1
16-20	12	7.5
21-25	9	5.5
26-30	3	1.9
TOTALS:	160	100.0

TABLE 11. I.Q. of Inmate Serving Life Sentence for the Crime of Murder

<u>I.Q.</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
Feeble-minded (below 80)	30	18.8
Below Average (81-90)	31	19.4
Average (91-110)	85	53.1
Above Average (111-120)	10	6.2
Superior (121 and over)	4	2.5
TOTALS:	160	100.0

TABLE 12. Mental Condition of Inmate Serving Life Sentence for Crime of Murder

<u>MENTAL CONDITION</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
Psychotic <u>1</u>	0	0.0
Psychopathic <u>2</u>	64	40.0
Other	96	60.0
TOTALS	160	100.0

1 Psychotic in this study refers to a major mental illness often requiring hospitalization involving the total personality of the patient and having its main characteristic the loss of contact with reality. This explanation may be found in: Mezer, Robert R., M.D.: Dynamic Psychiatry in Simple Terms. New York: Springer Publishing Company, 1956.

2 Psychopathic in this study refers to various inadequacies and deviation in the personality structure; not psychotic or feeble minded but the defect being in the emotional and characterological aspect of the personality. This explanation may be found in Noyes, Arthur R., M.D.: Modern Clinical Psychiatry. Philadelphia: W.B. Saunders Co., 1939.

TABLE 13. Method Used in Crime of Murder

<u>METHOD</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
Explosive weapon	51	35.7
Stabbing	38	26.6
Bodily assault	28	19.6
Clubbing instrument	13	9.1
Sexual attack	10	7.0
Arson	3	2.1
TOTALS:	143	100.1

TABLE 14, Date on Which Inmate Committed Crime of Murder by Selected Yearly Intervals

<u>YEAR</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
1921 - 1930	2	1.2
1931 - 1940	17	10.6
1941 - 1950	76	47.5
1951 - 1958	65	40.6
TOTALS:	160	99.9

TABLE 15. Motive and Date of Murder Offense by Selected Monthly Intervals

<u>MOTIVE</u>	<u>JAN. TO MAR.</u>	<u>APRIL TO JUNE</u>	<u>JULY TO SEPT.</u>	<u>OCT. TO DEC.</u>	<u>TOTAL</u>	<u>PERCENT</u>
Robbery	15	15	20	19	69	43.1
Sexual Attack Female	5	5	7	4	21	13.1
Love Quarrel	2	1	5	7	15	9.4
Triangle	3	3	5	4	15	9.4
Attempted Escape	3	0	0	3	6	3.8
Sexual Attack Male	0	0	0	1	1	0.6
Other*	8	11	7	7	33	20.6
TOTALS:	36	35	44	45	160	100.0

\* Other includes marital argument, participation in fight, argument with prostitute, attempt to avoid detection for previous offense by killing person who could inform law enforcement agency.

TABLE 16. Time on Which Inmate Committed Crime of Murder by Selected Hourly Intervals

<u>HOURL</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
08:01 a.m. - noon	21	13.1
12.01 p.m. - 04:00 p.m.	20	12.5
04:01 p.m. - 08:00 p.m.	30	18.7
08:01 p.m. - midnight	52	32.5
12.01 a.m. - 08:00 a.m.	30	18.7
Unknown	7	4.4
TOTALS:	160	99.9

TABLE 17. Scene of Murder Offense

<u>SCENE OF CRIME</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
Victim's Home	59	41.3
Place of Business	26	18.2
Street	18	12.6
Isolated Area	18	12.6
Home	11	7.7
Automobile	10	7.0
Prison	1	0.7
TOTALS:	143	100.1

TABLE 18. Relationship Between Inmate and Victim

<u>RELATIONSHIP</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT</u>
None	83	51.9
Friend	27	16.9
Wife	23	14.4
Girl Friend	12	7.5
Prostitute	6	3.8
Ex-Wife	2	1.2
Parent	1	0.6
Child	1	0.6
Other Relatives	5	3.1
TOTALS:	160	100.0

TABLE 19. Age and Sex of Victim

<u>AGE</u>	<u>NO. OF MALES</u>	<u>PERCENT OF MALES</u>	<u>NO. OF FEMALES</u>	<u>PERCENT OF FEMALES</u>	<u>TOTAL</u>	<u>PERCENT</u>
0-3	1	1.6	1	1.3	2	1.4
4-7	1	1.6	3	3.8	4	2.8
8-13	1	1.6	1	1.3	2	1.4
14-18	1	1.6	8	10.1	9	6.3
19-25	2	3.1	11	13.9	13	9.1
26-35	7	10.9	8	10.1	15	10.5
36-55	15	23.4	19	24.1	34	23.8
Over 55	12	18.7	10	12.7	22	15.4
Unknown Adult	24	37.5	18	22.8	42	29.4
TOTALS:	64	100.0	79	100.1	143	100.1